

Robert J. Kent, CAB # 250905;

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Attorney for Defendant
EXERGEN CORP.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN JOSE DIVISION)

SAN FRANCISCO TECHNOLOGY INC.,

Plaintiff,

THE GLAD PRODUCTS COMPANY, BAJER
DESIGN & MARKETING INC., BAYER
CORPORATION, BRIGHT IMAGE
CORPORATION, CHURCH & DWIGHT CO.
INC., COLGAGE-PALMOLIVE COMPANY,
COMBE INCORPORATED, THE DIAL
CORPORATION, EXERGEN CORPORATION,
GLAXOSMITHKLINE LLC, HI-TECH
PHARMACAL CO. INC., JOHNSON
PRODUCTS COMPANY INC., MAYBELLINE
LLC, MCNEIL-PPC INC., MEDTECH
PRODUCTS INC., PLAYTEX PRODUCTS
INC., RECKITT BENCKISER INC., ROCHE
DIAGNOSTICS CORPORATION,
SOFTSHEEN-CARSON LLC, SUN
PRODUCTS CORPORATION, SUNSTART
AMERICAS INC..

Defendants.

I, Robert J. Kent, declare as follows:

1. I am an Associate at Fish & Richardson P.C., counsel of record in this action for Exergen Corp. (“Exergen”). I am a member of the Bar of the State of California and of this Court. Except where otherwise noted, I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.

Case No. CV10-00966 JF

**DECLARATION OF ROBERT J. KENT IN
SUPPORT OF EXERGEN'S MOTION TO
DISMISS OR SEVER AND TRANSFER**

Date: July 8, 2010
Time: 1:30 pm
Place: Courtroom 3, 5th Floor
Judge: Honorable Jeremy Fogel

2. Attached to this declaration as Exhibit A is a true and correct copy of a complaint filed by Jennifer L. Brinkmeier against Exergen in the District of Delaware on March 3, 2010.

3. Attached to this declaration as Exhibit B is a true and correct copy of a web page entitled "Daniel S. Mount, Principal" (available at <http://www.mount.com/index.cfm?page=attorney&pageid=85&bio=7> as of June 28, 2010).

4. Attached to this declaration as Exhibit C is a true and correct copy of a document entitled "Brief of *Amicus Curiae* CIBA Vision Corporation in Support of Defendants-Appellees and Affirmance," filed on or about February 24, 2010 in the matter of *Stauffer v. Brooks Brothers, Inc. et al.*, Case Nos. 2009-1428, -1430, and -1453 (currently pending before the U.S. Court of Appeals for the Federal Circuit).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Redwood City, this 30th day of June, 2010.

/s/ Robert J. Kent
Robert J. Kent

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 30, 2010, all counsel of record who are deemed to have consented to electronic service are being served with a copy of the

**DECLARATION OF ROBERT J. KENT IN SUPPORT OF EXERGEN'S MOTION TO
DISMISS OR SEVER AND TRANSFER** via the Court's CM/ECF system per Local Rule 5-4
and General Order 45. Any other counsel of record will be served by first class mail.

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/s/ Robert J. Kent

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